

The Honorable Thomas S. Zilly

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

VALVE CORPORATION, a Washington corporation,

Plaintiff,

VS.

vs.
SIERRA ENTERTAINMENT INC. (AKA
SIERRA ON LINE, INC.), a Delaware
corporation; VIVENDI UNIVERSAL GAMES,
INC., a Delaware corporation; and VIVENDI
UNIVERSAL, S.A., a French foreign
corporation.

Defendants.

No. 2:02-cv-01683-TSZ-MAT

**DECLARATION OF FRED
SHEAN IN SUPPORT OF
DEFENDANTS/
COUNTERCLAIMANTS'
MOTION FOR PARTIAL
SUMMARY JUDGMENT AND
IN OPPOSITION TO
PLAINTIFF'S CROSS MOTION
FOR PARTIAL SUMMARY
JUDGMENT RE CYBER-CAFÉ
RIGHTS**

SIERRA ENTERTAINMENT, INC. (AKA SIERRA ON LINE, INC.), a Delaware corporation; and VIVENDI UNIVERSAL GAMES, INC., a Delaware corporation,

Counter-Claimants,

VS.

VALVE CORPORATION, a Washington corporation; GABE NEWELL and LISA MENNET NEWELL, husband and wife and the marital community composed thereof; and SCOTT LYNCH and JULIE LYNCH, husband and wife and the marital community composed thereof.

Counterclaim Defendants.

*Shean Decl. ISO Sierra/VUG's Mot. For Partial SJ And In Opp. To Plaintiff's Cross Mot. For Partial SJ Re Cyber-Café Rights
(7-22-11 01683 TSZ-MAT)*

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1 I, Fred Shean, state as follows:

2 1. I am a Director of Engineering and Development for Vivendi Universal Games,
3 Inc. ("VUG"). I have worked in this or similar capacities for Sierra Entertainment, Inc.
4 and/or VUG since April 1998 and am a software engineer by training. I make this
5 declaration in support of the Motions For Partial Summary Judgment (Cyber-Café Rights
6 And Contractual Limitation Of Liability) Of Defendants/Counterclaimants Sierra And VUG
7 And In Opposition To Valve's Cross Motions For Partial Summary Judgment. Everything
8 stated herein is true and correct of my own personal knowledge unless stated as to
9 information and belief, and if called upon to testify I could and would testify competently
10 hereto.

11 2. Sierra/VUG have incorporated anti-piracy measures on all Valve games except
12 the current version of Counter-Strike and Team Fortress Classic that require users to have
13 the cd-rom of the game they wish to play in the drive of the computer on which the game
14 has been installed each time they play the game. The same or similar measures could be
15 placed on future versions of Counter-Strike or Team Fortress Classic, as well.

16 3. Due to these anti-piracy measures, a cyber-café that has purchased a legitimate
17 copy of a Valve game other than the current version of Counter-Strike and Team Fortress
18 Classic from Sierra/VUG or its distributors will be required to provide cd-roms to its patrons
19 that wish to play the game. To the extent that a cyber-café does not provide cd-roms for
20 these games, it is because the cyber-café has purchased the use of the game online from
21 Valve over Steam, has purchased a pirated copy of the game, or has improperly removed
22 Sierra/VUG's anti-piracy protections for the game.

23 I declare under penalty of perjury that the foregoing is true and correct and that this
24 declaration was hereby executed at Los Angeles, California on September 23, 2004.

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26
27
28 FRED SHEAN

Shean Decl. ISO Sierra/VUG's Mot. For Partial
SJ And In Opp. To Plaintiff's Cross Mot. For
Partial SJ Re Cyber-Café Rights
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